IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 1ST OCTOBER 2007 / 9TH ASWINA 1929

WP(C).No. 28772 of 2007(A)

AGAINST THE ORDER IN E.A.442/06 & 86/07 IN EP22/01 IN OS.1304/1999 of ADDL.MUNSIFF COURT, ALAPPUZHA
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PETITIONER: PETITIONERS/JUDGMENT DEBTORS 1 & 3
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1. VIJAYAMBIKA, D/O APPUKUTTAN NAIR,
AGED 40 YEARS, AMBIKA BHAVANAM,
PALACE WARD, ALAPPUZHA.

2. KAMALAMMA, D/O APPUKUTTAN NAIR,
AMBIKA BHAVANAM, PALACE WARD,
ALAPPUZHA.

BY ADV. SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SRI.N.A.SHAFEEK

RESPONDENTS: RESPONDENT/DECREE HOLDER

LORD KRISHNA BANK LTD.,
ALAPPUZHA BRANCH.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 28772 OF 2007

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Dated this the 1st day of October, 2007.

J U D G M E N T

This writ petition is filed seeking to set aside Exts.P3 and P4 orders passed by the Addl. Munsiff Alappuzha. The writ petitioner moved the application for setting aside the sale and it was posted for impleadment of the auction purchaser. Steps were not taken. Therefore the said petition was dismissed for default. Thereafter, the writ petitioner moved another application to restore that application. That was also dismissed for default on the ground that there was no representation and the petitioner was absent. The writ petitioner has moved this application with a prayer that a party should be heard before he is condemned. Therefore, I direct the Court below to restore E.A.86/07, consider it sympathetically and pass appropriate orders.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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